

II component of a female spouse or widow(er) annuity under that Act. Under this definition a child must be under age 18 or under a disability before any benefit is payable based upon having the child in care.

(b) *Social Security Act.* In order to establish eligibility for the tier I components of a spouse or widow(er) annuity, and eligibility for a surviving divorced spouse annuity based upon having a child of the employee in care, the definition of “child in care” found in the Social Security Act is used. Under this definition, a child must be under age 16 or under a disability.

**§ 216.68 Disability period for widow(er), surviving divorced spouse, or remarried widow(er).**

A widow(er), surviving divorced spouse, or remarried widow(er) who has a disability as defined in part 220 of this chapter is eligible for an annuity only if the disability began before the end of a period which:

- (a) Begins in the later of:
  - (1) The month in which the employee died;
  - (2) The last month for which the widow(er) or surviving divorced spouse was entitled to an annuity for having the employee's child in care; or
  - (3) The last month for which the widow(er) or surviving divorced spouse was entitled to a previous annuity based on disability; and
- (b) Ends with the earlier of:
  - (1) The month before the month in which the widow(er) or surviving divorced spouse or remarried widow(er) become 60 years old; or
  - (2) The last day of the last month of a 7-year period (84 consecutive months) following the month in which the period began.

**Subpart H—Child's Annuity**

**§ 216.70 General.**

The Railroad Retirement Act provides an annuity for the child of a deceased employee but not for the child of a living employee. The Act does provide that the child of a living employee can establish another individual's eligibility for a spouse annuity or cause an increase in the annuities of an employee and spouse. The eligibility re-

quirements described in this subpart also apply for the following purposes, except as otherwise indicated in this part:

- (a) To establish annuity eligibility for a spouse under subpart F of this part if he or she has the employee's eligible child in care;
- (b) To establish annuity eligibility for a widow(er), or surviving divorce spouse or remarried widow(er) under subpart G of this part if he or she has the employee's child in care; or
- (c) To provide an increase in the employee's annuity under the Social Security Overall Minimum Guaranty (see part 229) by including the eligible child.

**§ 216.71 Who is eligible for a child's annuity.**

An individual is eligible for a child's annuity if the individual:

- (a) Is a child of an employee who has completed 10 years of railroad service and had a current connection with the railroad industry when he or she died;
- (b) Is not married at the time the application is filed;
- (c) Is dependent upon the employee as defined in part 222 of this chapter; and
- (d) Meets one of the following at the time the application is filed:
  - (1) Is under age 18; or
  - (2) Is age 18 or older and either:
    - (i) Is disabled as defined in part 220 of this chapter before attaining age 22 (the disability must continue through the time of application for benefits);
    - (ii) Is under age 19 and is a full-time student as defined in § 216.74 of this part; or
    - (iii) Becomes age 19 in a month in which he or she is a full-time student and has not completed the requirement for, or received a diploma or certificate from, a secondary school.

**§ 216.72 What is required for payment of a child's annuity.**

An eligible child of a deceased employee is entitled to an annuity upon applying therefor and submitting any evidence requested by the Board.

(Approved by the Office of Management and Budget under control number 3220–0030)